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Fax Notes:

See attached examiner's amendment.

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To: Daniel Rube (53,536); Brinks Hofer Gilson & Lione
Fax: 919-481-1110
Re: 10/518,453 PROPOSED AMENDMENT (Your docket no. 13777-37)
Date: 9/8/2010

From: Examiner McCracken, USPTO
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Mr. Rube –

As discussed on the phone yesterday (9/7/2010), please be apprised that your client's application has been withdrawn from issue due to the failure to authorize an examiner's amendment to correct the multiple dependency issues associated with Claim 22. Please see below the amendment I propose to obviate the multiple dependency issues associated with Claim 22.

Claim 22 (Currently Amended): The method of claim 20, wherein one or more metal compound precursor(s) of a catalyst metal is selected from the group consisting of
(a) carbon, hydrogen, optionally nitrogen and/or oxygen and at least one metal, wherein said at least one metal is selected from iron, cobalt, nickel, ruthenium, palladium and platinum; and
(b) metal salts and organometallic compounds, wherein said metal salts are selected from the group consisting of metal salts in which the counterion of the metal consists of a heteroatom, metal nitrates, acetates, acetylacetonates and phthalocyanines, and wherein said organometallic compound is selected from ferrocene, nickelocene, cobaltocene and ruthenocene;
~~as described in any one of claims 10 to 16,~~
is (are) also dissolved in said colloidal suspension.

This amendment reflects incorporation of the subject matter of Claims 10-16 into Claim 22, with redundant or non-essential language deleted, antecedent basis issues corrected, and minor additions added for readability, etc. The following annotated claim, provided for illustration, shows where the amendments come from, with the bracketed numbers indicated the claims incorporated into Claim 22.

Claim 22 (Currently Amended): The method of claim 20, wherein one or more metal compound precursor(s) of a catalyst metal is selected from the group consisting of
(a) [10]-[11] carbon, hydrogen, optionally nitrogen and/or oxygen and at least one metal, [15] wherein said at

least one metal is selected from iron, cobalt, nickel, ruthenium, palladium and platinum; and

(b) [12] metal salts and organometallic compounds, wherein said metal salts are selected from the group consisting of [13] metal salts in which the counterion of the metal consists of a heteroatom, [14] metal nitrates, acetates, acetylacetonates and phthalocyanines, and [16] wherein said organometallic compound is selected from ferrocene, nickelocene, cobaltocene and ruthenocene;
~~as described in any one of claims 10 to 16,~~
is (are) also dissolved in said colloidal suspension.

There is no change in claim scope. Please authorize this amendment so the patent can issue.

/Daniel C. McCracken/
Examiner, AU1793